

REMARKS

Claims 11-19, 32-36, and 38-41 were pending in the application. By this amendment, claims 32-36 and 38-41 have been cancelled, and new claims 42-48 have been added.

The following remarks are intended to address all of the grounds for rejecting the claims set forth in the pending Office Action.

Claims 11-19

Applicants are grateful to the Examiner for his consideration of Applicants' prior responses and allowance of claims 11-19. As noted above, these claims have not been amended.

Claims 32-36 and 38-41

Claims 32-36 and 38-40 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Deem et al. (USP 6,558,400) in view of Matsui et al. (U.S. Patent No. 6,352,503), and further in view of Crockard (USP 5,174,276). Claim 41 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Deem, Matsui, and Crockard, in further view of Harrison (USP 5,403,326). In response, and without acceding to the foregoing grounds for rejecting the claims, Applicants have cancelled claims 32-36 and 38-41 in order to expedite prosecution and issuance of the allowed claims. Accordingly, the rejections of these claims have been rendered moot.

New Claims 42-48

New claims 42-48 have been added. Claims 42-48 generally track allowed claims 11-14, but claim 42 recites additional steps not included in claim 11, including:

withdrawing the needle from the first tissue fold;

ejecting a second anchor from the needle on a second side of the first tissue fold, with a connector extending between the first anchor and the second anchor

Claim 42 also moves the “approximating” and “securing” steps to a dependent claim (claim 43). Claim 42 is patentable over Deem (and the other cited references) for the same reasons discussed in Applicants’ prior responses.

For the foregoing reasons, Applicants request withdrawal of the rejections of all pending claims, and issuance of a Notice of Allowance.

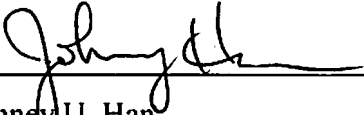
Amendment and/or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. Similarly, unless explicitly stated, nothing contained or not contained in this paper should be construed as an assent to any of the Examiner’s stated grounds for rejecting the claims, including specifically the Examiner’s characterization of the teachings of the cited art and the Examiner’s contentions that any combinations of cited art would have been obvious. Rather, the present amendments to the claims and Remarks are an attempt to expedite allowance and issuance of the currently pending claims. No new matter has been added

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **USGINZ02511**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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